

### **REMARKS**

Claims 1-10 are pending in the application. Claims 1-10 have been rejected. Claim 1 herewith is amended to correct informalities, and claim 7 herewith is amended to correct a typographical error. Claims presently active are claims 1-10.

#### **Amendments and Objections**

A new paragraph has been added on pg. 7, after line 24. This paragraph describes the control flow of the algorithm shown in FIG. 3. Page 7 line 24 through page 8 line 15 describe the individual steps, but a written description of their interconnections is not present in the specification. However, these interconnections are clearly indicated in FIG. 3. The new paragraph simply expresses the arrows of FIG. 3 in textual form, and therefore conforms the written description portion of the disclosure to the drawings as filed. It is therefore believed that this amendment, in reliance on the drawings as filed, introduces no new matter (MPEP 608.04).

Claim 1 was objected to because of informalities, and has been amended to correct the identified deficiencies. "Diverse" has been changed to "obverse;" this change is supported on pg. 7 lines 14-17. Applicant believes that none of the amendments in this paper raises a new question which would require further consideration or search, and that these amendments place the application in condition for allowance (MPEP 714.12; 714.13, III).

#### **Rejections — 35 U.S.C. 112**

Claim 1 stands rejected under 35 U.S.C. 112, first paragraph. Applicants respectfully traverse this rejection. The new paragraph at pg. 7, after line 24 is believed to fully support the rejected subject matter of claim 1. Additional support is found on pg. 3 lines 5-15 and pg. 7 lines 26-28. The support in the original disclosure is the arrows in FIG. 3 as filed (as discussed above).

#### **Rejections — 35 U.S.C. 102**

Relying on 35 U.S.C. 102(b), the Examiner rejected claims 1, 3, and 8-10 as being anticipated by Nagatani et al. (US 6,047,148). Applicants respectfully note that several of the citations provided by the Examiner are to Takano et al. (US 6,029,041), not to Nagatani. Applicants therefore respectfully request the

USSN 10/581,593

Examiner withdraw the rejection under 35 U.S.C. 102. Applicants believe that this is a rejection under 35 U.S.C. 103, and address it as such below. Specifically, the references cited by the Examiner are as listed below, where the source has been determined by the Applicant after study of the Office Action and references.

<i>OA page</i>	<i>Citation</i>	<i>Source</i>
5	col. 21 lines 55–60	Takano
	col. 8 lines 4–10	Nagatani
	col. 12 lines 32–34	Takano
	col. 13 lines 13–31	Takano
	col. 16 lines 6–9	Takano
	col. 7 lines 45–59	Nagatani
	col. 8 lines 45–59	Nagatani
	col. 16 lines 6–9	Takano
7	col. 8 lines 36–40	Nagatani
	col. 9 lines 10–15	Nagatani

In any case, with regards to claim 10, Nagatani is not an enabling reference for maintaining the paper interval constant. Nagatani col. 9 lines 16–18 explicitly state that “the control operation for determining the paper interval is not directly related to the present invention and, therefore, the explanation for it will be omitted.” Applicants do teach an embodiment of this feature (pg. 8 lines 19–26), and respectfully submit that one skilled in the art would be required to perform undue experimentation to provide the feature of maintaining the paper interval constant. It is therefore believed that Nagatani is not a valid 35 USC 102 reference against claim 10 (MPEP 2121.01), and Applicants respectfully request that the Examiner withdraw the rejection of this claim under 35 U.S.C. 102(b).

### **Rejections — 35 U.S.C. 103**

As discussed above, Applicants believe claims 1, 3, and 8–10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatani et al. in view of Takano et al. (US 6,029,041). Furthermore, claims 2 and 4–7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatani et al. in view of Takano et al.

One rationale supporting a conclusion of obviousness is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements according to known methods, maintaining their established functions, to yield nothing more than predictable results to one of ordinary skill in the art (*KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007)). However, the courts also recognize that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to depreciate the claimed invention; *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988); *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Applicants respectfully submit that the rejections of independent claims 1 and 29 are based on impermissible hindsight.

Nagatani describes a controller for correcting the timing of supply of sheets to an endless transporting member. Specifically, Nagatani discloses interrupting the transport of sheets and re-trying it at a specified time. (Nagatani Abstract, lines 13–20; col. 1 lines 46–52; col. 2 lines 26–31).

Takano describes an apparatus which can cope with slipping of the recording sheet when it is fed. (Takano col. 2 lines 38–40, col. 3 lines 30–31).

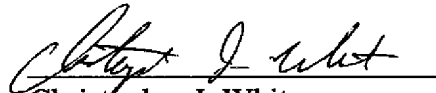
In contrast, the present application teaches directly calculating the appropriate time to feed a sheet (pg. 5 lines 22–26). This advantageously provides smooth, even feeding of sheets (e.g. pg. 8 lines 19–26) without needing to interrupt the operation of the feeder to re-try failed sheets, as in Nagatani. This also advantageously provides feeding of sheets without the requirement of Takano to compensate for sheet slippage.

Assuming Nagatani and Takano could be combined, one skilled in the art at the time of the invention would have been led to provide further compensations including compensations for sheet collision on retry and for receiver slipping. Applicants believe Nagatani and Takano, with their compensation-base approaches, would not have provided one skilled in the art with a reasonable expectation of success in providing the subject matter of claim 1. Claim 1 coordinates the feeding time to move sheets directly to free belt positions, and does not require the compensations of Nagatani and Takano. Accordingly, any elements of Nagatani and Takano which may be found in claim 1 do not simply serve their established functions if present in claim 1. Applicants therefore believe the rejection of claim 1 over Nagatani in view of Takano is based on impermissible hindsight, and thus that

claim 1 is unobvious in view of the cited references. The remaining claims depend from claim 1 and should be allowed with it.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited. Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned agent for the purpose of discussing such amendments (MPEP 714.12).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. White", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Agent at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

USSN 10/581,593